

## REMARKS/ARGUMENTS

Claims 1-15 are pending in the application. Claims 1-3 stand rejected as anticipated by Ziv et al. (U.S. Pat. No. 6,292,662); and the Examiner considers that claims 4-15 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

### *Specification*

The omission of an Abstract of the disclosure is noted, and an Abstract is on a separate sheet attached hereto.

### *Claim Amendments*

Amended claim 1 proposes a procedure to improve the audio quality in a mobile radio network, with which a tone control that is switched into one of the communication connection's corresponding audio paths that, dependent upon the types of end device(s) or equipment being used in the connection, influences the audio quality in the audio path, in that a frequency response of a sound in the audio path is changed. In addition, new claim 16 proposes a procedure to improve the audio quality in a mobile radio network, with which an equalizer that is switched into one of the communication connection's corresponding audio paths that, dependent upon the types of end device(s) or equipment being used in the connection, influences the audio quality in the audio path, in that a sound in the audio path is changed. See, e.g., Specification., page 2, 1<sup>st</sup> paragraph. Claims 1 and 3-15 are amended to delete reference numerals. Support for the foregoing amendment is found throughout the specification and in the claims as detailed above. Accordingly, no new matter has been added.

### *Claim Rejections - 35 U.S.C. § 102*

Claims 1-3 stand rejected as unpatentable over Ziv et al. under 35 U.S.C. § 102(e). The rejection is respectfully traversed and reconsideration is requested. Ziv et al. does not read on the procedure to improve the audio quality in a mobile radio network according to Applicant's claimed invention. It is true that Ziv et al. discloses that during a telephone call,

i.e., a communication connection between a calling subscriber and a called subscriber, a bi-directional audio path is established between the calling subscriber and the called subscriber and that the voice signals (speech) of the calling subscriber are vocoded (voice coded) by the subscriber device into a digital data stream, which is transmitted via the audio path of the mobile radio network to the subscriber device of the called subscriber, which then converts the digital data stream back into voice signals (i.e., decodes the digital data stream) for output to the called subscriber. See, e.g., Ziv et al., Col 2, lines 45-67; and Col. 4, lines 23-48. Further, according to Ziv et al., if the called person is a subscriber of an analog telephone network, the telephone system must convert the digital data stream into voice signal that can be transmitted in analog form via the analog telephone line. See, e.g., Ziv et al., Col 4, lines 49-67.

In contrast to Ziv et al, it is the purpose of Applicant's claimed invention to improve the audio quality in mobile radio networks. As pointed out by Applicant (See, e.g., Specification, page 1, 3<sup>rd</sup> and 4<sup>th</sup> paragraphs), the background is that some mobile telephones have a very poor audio quality so that the voice of the conversational partner sounds very poor, and Applicant's claimed invention provides the possibility to improve this audio quality. This goal is achieved by providing a tone control (i.e., a control for the property of sound that is determined by its frequency), as recited in independent claim 1, or an equalizer (i.e., a device that modifies the frequency of a sound to correct for the frequency response of another audio device), as recited in independent claim 16, into the audio path in a communication connection which influences the audio quality in the audio path, in dependence of the type of end devices engaged in the telephone connection. Not only are the speech signals digitized (vocoded), as disclosed by Ziv et al. (See, e.g., Specification, page 1, 2<sup>nd</sup> paragraph; page 3, 3<sup>rd</sup> paragraph; and page 4, 5<sup>th</sup> paragraph), according to Applicant's claimed invention, the "sound" of the audio signals is also changed or improved, so as to improve the subjective aural feeling of the subscriber.

Ziv et al fail to disclose any means or methods to improve the audio quality of the audio (voice) signals in a telephone connection. The conversion or vocoding of a speech signal taught by Ziv et al. has nothing to do with improving the sound of the voice signal by

equalizing the tone signal, e.g., changing the frequency response of the tone signal to improve the sound, in dependence of the individual "sound" characteristic of the end devices participating in the telephone conversation. Consequently, Ziv et al. do not recite the required combination of limitations proposing that a tone control is switched into one of the communication connection's corresponding audio paths that, dependent upon the types of end device(s) or equipment being used in the connection, influences the audio quality in the audio path, in that a frequency response of a sound in the audio path is changed, as recited in independent claim 1. Nor do Ziv et al. recite the required combination of limitations proposing that an equalizer is switched into one of the communication connection's corresponding audio paths that, dependent upon the types of end device(s) or equipment being used in the connection, influences the audio quality in the audio path, in that a sound in the audio path is changed, as recited in independent claim 16.

Because each and every element as set forth in independent claims 1 and 16 is not found, either expressly or inherently in Ziv et al., the Examiner has failed to establish the required *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1 and 16 and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-15 that depend on claim 1 and which recite further specific elements that have no reasonable correspondence with the reference.

#### ***Allowable Subject Matter***

The Examiner's statement that claims 4-15 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims is noted and appreciated. However, it is believed that the foregoing amendment clarifies the scope of Applicant's claimed invention and clearly distinguishes over the reference applied by the Examiner, as well as the references cited but not applied by the Examiner.

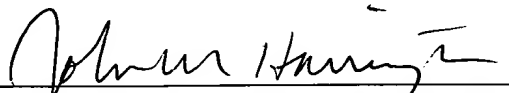
**Conclusion**

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue.

The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

Date: 8/25/04

  
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